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ABSTRACT

The paper provides an analysis of state definitions and eligibility criteria for special educational services for emotionally disturbed children. Policy definitions were researched in state statutes, regulations, and annual program plans. State definitions were compared with the definition in P.L. 94-142, the Education for All Handicapped Children Act. Data are presented in tabular and narrative form for the following categories: consistency of state definition with P.L. 94-142 equivalent terms in the various states, and inclusion/exclusion of autism and socially maladjusted. Among findings reported are the noncategorical approach of Massachusetts, consistency of only 35 states with federal definition requirements that emotional disturbance characteristics be exhibited "over a long period of time and to a marked degree," consistency of only 40 states with the federal definition requirement specifying that the child's condition must adversely affect educational performance, inclusion of autism or schizophrenia in the definition by only 10 states, and no mention of socially maladjusted children by over two thirds of the states although the federal definition specifically excludes them. Issues for further research (such as the impact of the qualifier "seriously" on the identification of emotionally disturbed children) are identified. It is concluded that there are many gaps between state policy definitions and the P.L. 94-142 definition. Appended are the references for the state definitions. (DB)

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AN ANALYSIS OF STATE DEFINITIONS OF SEVERELY EMOTIONALLY DISTURBED

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Introduction

Eligibility criteria for special educational services has traditionally been the responsibility of the states. In most cases this criteria is included in the state's definitions of the categories of handicapping conditions. While federal regulations define handicapping conditions, it is the criteria specified in the states' definitions that ultimately determines which children are eligible for special education and related services.

An analysis of categorical definitions was originally undertaken by The Council for Exceptional Children for the Bureau of Education for the Handicapped in 1978. Since that time, many states have revised or are considering revising their policies. The popularity of the definitional issue has given the Policy Options Project of The Council for Exceptional Children cause to take another look at state policy in this area.

This paper specifically addresses the category "Seriously Emotionally Disturbed." Using the definition in P.L. 94-142 regulations (§ 121a.5(b)(8)) as a reference point, the differences in definitions appearing in current state policy were analyzed. Specific findings and recommendations for further research are presented in the following report.

Methodology

To determine what state policy specifies, policy definitions were researched in state statutes, regulations, and annual program plans currently on file in CEC's Policy Research Center. While all three policy documents were examined, the definition was primarily found in state special education regulations. Four states (Arizona, Kentucky, New Hampshire, and South Carolina) defined the categories of handicapping conditions in statute and one state (Wyoming) specified the definitions only in the Annual Program Plan. Appendix A includes a list of the actual sources used in compiling the information for this analysis. It should be

noted that of the fifty states and the District of Columbia, the following six states did not include a specific definition of emotionally disturbed in the policy sources researched: Hawaii, Illinois, Massachusetts, Minnesota, North Dakota, and Wisconsin. In general, these states defined "handicapped" or "exceptional" children without further delineation of subcategorical definitions. Massachusetts appears to be the only state with policy that defines a handicapped child in noncategorical terms. Chapter 71b § 1 of the Massachusetts statute states:

> ..."School age child with special needs", a school age child who, because of temporary or more permanent adjustment difficulties or attributes arising from intellectural, sensory, emotional, or physical factors, cerebral dysfunctions, perceptual factors, or other specific learning disabilities or any combination thereof, is unable to progress effectively in a regular school program and requires special classes, instruction periods, or other special education services in order to successfully develop his individual educational potential...

Vermont takes a similar noncategorical approach. However, Vermont regulations define "specific handicapping conditions" which include the same characteristics as those in the federal definition of seriously emotionally disturbed. For this reason Vermont is counted as having a definition of emotionally disturbed in its policy.

Research Findings

P.L. 94-142 defines seriously emotionally disturbed as follows:

> (i) The term means a condition exhibiting one or more of the following characteristics over a long period of time and to a marked degree, which adversely affects educational performance:
> (A) An inability to learn which cannot be explained by intellectual, sensory, or health factors;
> (B) An inability to build or maintain satisfactory interpersonal relationships with peers and teachers;
> (C) Inappropriate types of behavior or feelings under normal circumstances;
> (D) A general pervasive mood of unhappiness or depression; or
> (E) A tendency to develop physical symptoms or fears associated with personal or school problems.
> (ii) The term includes children who are schizophrenic or autistic. The term does not include children who are socially maladjusted, unless it is determined that they are seriously emotionally disturbed.
> (§ 121a.5)

While each state's definition must identify the same group of children that the P.L. 94-142 definition identifies in order for the state to qualify for federal money, there are a variety of definitions and terms used by the states in their policies. For instance, Alabama uses the term "emotionally conflicted;" other states use terms such as "emotionally handicapped," "emotionally maladjusted" and "emotional disordered." Table I provides a list of such terms. These are terms which are either defined in state policy or used in the definition of handicapped/exceptional children. Only seven states use the term "seriously emotionally disturbed," the term used in federal policy. Eleven additional states use the term "emotionally disturbed" without the qualifier "seriously." Table I indicates that two states do not have definitions of seriously emotionally disturbed. As stated before, Massachusetts is noncategorical and Vermont takes a noncategorical approach. While Vermont does define "specific handicapping conditions," labels are never attached to those conditions. Of the 42 states that use other terminology, 25 use emotional as a basis, 9 use behavior as a basis, 1 uses social as a basis and 7 use a combination of those terms.

Table II represents the definitions of seriously emotionally disturbed children currently in use in the fifty states and the District of Columbia. Due to the great variety of definitions, a judgment of the consistency of each definition with the elements in the P.L. 94-142 definition is the focus of Table II.

The following criteria was used in order for a state definition to be judged consistent:

- The same or similar language as the P.L. 94-142 definition. These factors must be included:
  1. The child's condition must exhibit one or more of the characteristics listed in the P.L. 94-142 definition over a long period of time or to a marked degree;

Table I

TABLE OF EQUIVALENT TERMS

State	Seriously Emotionally Disturbed	Not in Policy	Other Terminology
Alabama			Emotionally Conflicted
Alaska			Emotionally Handicapped
Arizona			Seriously Emotionally Handicapped
Arkansas	X		
California			Serious Emotional Disturbance
Colorado			Significant Identifiable Emotional or Behavioral Disorder
Connecticut			Socially and Emotionally Maladjusted
Delaware			Social and Emotional Maladjustment
Florida			Emotionally Handicapped, Socially Maladjusted
Georgia			Behavioral Disordered
Hawaii	X		
Idaho			Emotionally Impaired
Illinois			Educational Maladjustment Related to Social and Cultural Circumstances
Indiana			Seriously Emotionally Handicapped
Iowa			Emotional Disability
Kansas			Children with Personal and Social Adjustment Problems
Kentucky			Emotionally Disturbed Children
Louisiana			Emotionally Disturbed
Maine			Behavior
Maryland	X		
Massachusetts		X	
Michigan			Emotionally Impaired
Minnesota			Emotional Disturbance
Mississippi			Emotionally Handicapped
Missouri			Behavior Disorders
Montana			Emotionally Disturbed
Nebraska			Emotionally Disturbed

State	Seriously Emotionally Disturbed	Not in Policy	Other Terminology
Nevada			Educationally Handicapped, Emotionally Handicapped
New Hampshire			Emotionally Handicapped
New Jersey			Emotionally Disturbed
New Mexico			Behaviorally Disordered
New York			Emotionally Disturbed
North Carolina			Seriously Emotionally Handicapped
North Dakota			Emotionally Disturbed
Ohio			Children with Severe Behavioral Handicaps
Oklahoma	X		
Oregon	X		
Pennsylvania			Socially and Emotionally Disturbed
Rhode Island			Behaviorally Disordered
South Carolina			Emotionally Handicapped
South Dakota			Behaviorally Handicapped, Emotionally Disturbed
Tennessee	X		
Texas			Emotionally Disturbed
Utah			Behaviorally Handicapped
Vermont		X	
Virginia	X		
Washington			Behaviorally Disabled
West Virginia			Behaviorally Impaired
Wisconsin			Emotional Disturbance
Wyoming			Social/Emotional Handicap
District of Columbia			Emotionally Disturbed

Table II

STATE POLICY DEFINITIONS OF SERIOUSLY EMOTIONALLY DISTURBED IN RELATION TO P.L. 94-142

STATE	1	2	3	4	5	6	OTHER CRITERIA
Alabama	+	+	-		-		
Alaska	+	+	-		-		Deficiencies in group participation, awareness and/or understanding of self and environment
Arizona	+	+	-		-		Social or behavioral problems
Arkansas	+	+	-		-		
California	+	+	+		-		Severe disturbance in thought processes
Colorado	+	+	-		-		Dangerous behavior, behavior interferes with learning of classmates, limited self-control, withdrawal
Connecticut	+	+	-		+		Disruption of educational development for child or other students
Delaware	+	+	-	+	x		Acting out behavior, withdrawing, defensive, disorganized behavior
Florida	+	+	-	+	-	+	
Georgia	+	+	-		-		Destructive to himself or others
Hawaii							
Idaho	+	+	-		+		
Illinois							
Indiana	+	+	+		+		
Iowa	+	+	-		-	+	
Kansas	+	-	-		x		Disregard for consequences of own actions
Kentucky	+	+	-		-		Dangerous to health or safety, disruptive to program for others
Louisiana	+	+	-	+	+		
Maine	+	+	-		-		
Maryland	+	+	+		+		

STATE	1	2	3	4	5	6	OTHER CRITERIA
Massachusetts							
Michigan	+	+	+		+		
Minnesota							
Mississippi	+	+	-		-		Ineffective coping behavior
Missouri	+	+	-		-		
Montana	+	+	+		+		Inhibits educational rights of others
Nebraska	-	+	-		-		Neurotic, psychotic or character disordered
Nevada	-	+	+		+		
New Hampshire	-	+	-		-		Those with sufficient intellectual and emotional capacity to become responsible and self-supporting
New Jersey	+	+	-		+		
New Mexico	+	+	-		-		Failure to adapt and function at grade level
New York	-	-	-	+	-		
North Carolina	+	+	-	+	+		
North Dakota							
Ohio	-	+	-		-		Can profit from instruction
Oklahoma	+	+	+		+		
Oregon	+	+	-		-		
Pennsylvania	+	+	-		-		
Rhode Island	+	+	+		-		
South Carolina	-	-	-		-		Adequate intellectual potential demonstrated
South Dakota	-	-	-		-	+	
Tennessee	+	+	+		+		
Texas	-	+	-	+	-		
Utah	-	+	-		-		Cannot be adequately or safely educated in regular class

STATE	1	2	3	4	5	6	OTHER CRITERIA
Vermont	+	+	-		-		
Virginia	+	+	+		+		
Washington	+	+	-		-		
West Virginia	-	+	-		-		Acting out, withdrawing, defensive and/or disorganized behavior
Wisconsin							
Wyoming	+	-	-		-		
D.C.	+	+	-		-		Limited ability of individual to govern his own behavior

Key:

+ Required by P.L. 94-142 and similar language is found in state policy
- Required by P.L. 94-142 but similar language not found in state policy
x Present in state policy but not required by P.L. 94-142

1 Duration/Degree
2 Adverse Effect on Educational Performance of Child
3 Includes Autistic, Schizophrenic
4 Defines Autistic Separately
5 Excludes Socially Maladjusted
6 Defines Socially Maladjusted Separately

2. The child's condition must adversely effect the child's educational performance; and

3. The term specifically excludes children who are socially maladjusted unless they are also emotionally disturbed.

- If the language is not the same, the thrust of the definition may be considered to be consistent with P.L. 94-142 if it is based on the child's ability to perform educational tasks. The P.L. 94-142 definitions are based upon handicapping conditions adversely affecting the child's educational performance. The premise is that a handicapping condition does not exist unless there is adverse educational performance to the child in question. The language must reflect a zero reject orientation except that it must contain exclusionary criteria for the socially maladjusted. There can be no language in the definition which is obviously inconsistent with the spirit of P.L. 94-142, such as relating eligibility to a potential for learning.

Three states (Maryland Oklahoma, and Virginia) use the P.L. 94-142 definition verbatim. Using the criteria listed above, it was determined that policy in nine additional states have defined seriously emotionally disturbed children in a way that appears consistent with that of P.L. 94-142. Those states include: Connecticut, Idaho, Indiana, Louisiana, Michigan, Montana, New Jersey, North Carolina, and Tennessee.

Referring to Table II, it becomes clear that many states have some of the same criteria, however, only the twelve states mentioned above address all the criteria of current federal regulations. For instance, of the 45 states that have some definition or policy, only 35 states include the factor which specifies that certain characteristics must be exhibited "over a long period of time and

to a marked degree." Likewise, only 40 states specify the factor that the child's condition must adversely effect the child's educational performance.

As shown in Table III, ten states include autism or schizophrenia in their definition of special education, while six additional states define autistic children separately. The policy of the remaining 34 states and the District of Columbia is silent in this area. It is unclear whether these states count autistic children as emotionally disturbed for funding purposes although they are not included in the "emotionally disturbed" definition. However, since autism is defined as a handicapping condition it would appear that autistic children are eligible for special education in these states.

Table III

AUTISM AND SCHIZOPHRENIA

States that include autistic or schizophrenic in their definition of seriously emotionally disturbed are: (N=10)

California	Nevada
Indiana	Oklahoma
Maryland	Rhode Island
Michigan	Tennessee
Montana	Virginia

States that define autistic children separately include: (N=6)

Delaware	New York
Florida	North Carolina
Louisiana	Texas

Although the P.L. definition specifically excludes children who are socially maladjusted unless they are also seriously emotionally disturbed, over two-thirds of the states do not mention socially maladjusted children in their policy definitions at all. It is unclear whether socially maladjusted children are eligible for services in these states or whether it is understood that they are excluded

from services. State policy concerning the "socially maladjusted" child is presented in Table IV.

Table IV

SOCIALLY MALADJUSTED CHILDREN

States that exclude socially maladjusted in their definition of seriously emotionally disturbed children: (N=13)

Connecticut	Louisiana	Montana	North Carolina
Idaho	Maryland	Nevada	Oklahoma
Indiana	Michigan	New Jersey	Tennessee
			Virginia

States that define socially maladjusted separately from seriously emotionally disturbed children: (N=3)

Florida	Iowa	South Dakota

States that apparently include the socially maladjusted child in the same definition as children with emotional disturbances: (N=2)

Delaware	Kansas

It is interesting to note that Delaware and Kansas include socially maladjusted in their definitions. Delaware defines children with "Social and Emotional Maladjustment" and Kansas defines children with "Personal and Social Adjustment (PSA) problems." It appears that in both states the definitions include both emotionally disturbed and socially maladjusted children on an equal basis. That is, they are defined together as if they are the same condition.

In addition to the findings presented above, differences were found in the characteristics which seriously emotionally disturbed children may exhibit. P.L. 94-142 lists five general characteristics:

> (A) An inability to learn which cannot be explained by intellectual, sensory, or health factors;
> (B) An inability to build or maintain satisfactory interpersonal relationships with peers and teachers;
> (C) Inappropriate types of behavior or feelings under normal circumstances;

(D) A general pervasive mood of unhappiness or depression; or

(E) A tendency to develop physical symptoms or fears associated with personal or school problems.

Policy in nineteen states listed additional characteristics. Examples include: deficiencies in group participation, awareness and/or understanding of self and enviornment (Alaska); a disregard for the consequences of one's actions (Kansas); ineffective coping behavior (Mississippi); limited ability of individual to govern his own behavior (District of Columbia).

Issues for Further Research

In researching the state definitions of seriously emotionally disturbed, it is clear that many questions still remain unanswered. Questions in need of further research include the following:

- What is the impact of the qualifier "seriously" on the identification of emotionally disturbed children?
- How are states defining phrases such as "over a long period of time" and "to a marked degree"?
- How do these qualifiers affect the anticipated child count?
- What is the impact of noncategorical definitions on identification, service delivery and funding procedures?
- To what extent do states without policy definitions offer programs and services for autistic and schizophrenic children?
- Are states such as Florida, who previously served socially maladjusted children, continuing to serve these children under state/local funding?
- In states serving socially maladjusted children are adjudicated youth included in this category?
- Are all adjudicated youth considered to be socially maladjusted? What is the differentiation?

Summary

While 45 states have some type of policy definition of "seriously emotionally disturbed" it is clear that there are many gaps between state policy definitions and the P.L. 94-142 definition. It is important to note that this paper only reflects the policy in each state. In many states the actual practices may go beyond the requirements of state policy.

References

An Analysis of Categorical Definitions, Diagnostic Methods, Diagnostic Criteria and Personnel Utilization in the Classification of Handicapped Children, The Council for Exceptional Children, 1978.

U.S. Congress. Public Law 94-142 (The Education for All Handicapped Children Act of 1975), 20 U.S.C. 1401 et seq.: P.L. 94-142 Regulations, Federal Register, Vol. 42, No. 163, August 23, 1977.

MASS. GEN LAWS ANN. Chapter 71b § 1, 1979 Supp.

References

State Definitions of
Severely Emotionally Disturbed Children

STATE	REFERENCE
AL	Policies and Procedures Manual: Program for Exceptional Children and Youth 1979, p. 91.
AK	Special Education Handbook 1978, p. 52.
AZ	ARIZ. REV. STAT. ANN., sec. 15-1011.
AR	Procedures for Evaluation, Placement, and Appeals: Special Education and Related Services 1978, Program Standards and Eligibility Criteria for Special Education 1978, p. 76.
CA	Title 5, California Administrative Code, Regulations 1979, sec. 3420.
CO	Rules for the Administration of the Handicapped Children's Educational Act 1976, p. 3.
CT	Administrative Regulations for Children Requiring Special Education 1980, p. 6.
DE	Administrative Manual for Programs for Exceptional Children 1978, p. 23.
FL	Vol. 1-B Florida Statutes and State Board of Education Rules 1978, 6A-3016-6A-3017.
GA	Special Education Regulations and Procedures 1978, p. 26.
HI	Definition not found in documents researched.
ID	Administrative Rules and Regulations for Special Education 1979, p. 2.
IL	Definition not found in documents researched.
IN	Rule S-1 1978, p. 22.
IA	Rules of Special Education 1977, p. 2, 3.
KS	State Plan for Fiscal Year 1980--Special Education, p. 196.
KY	KY. REV. STAT., sec. 157.200.
LA	Act 754 Regulations 1978, § 929.
ME	Special Education Regulations 1978, p. 15.
MD	Programs for Handicapped Children Bylaw 13.04.01 1978, p. 3.
MA	Definition not found in documents researched.
MI	Special Education Code as Amended August 13, 1980, R340.1706.
MN	Definition not found in documents researched.
MS	Policies and Operating Procedures for the Mississippi Program for Exceptional Children 1977, p. 4.
MO	Regulations, Standards and Procedural Guidelines 1977, p. 18.
MT	Special Education Rules and Regulations 1978, sec. 48-2.18(6)-S 18020.
NE	Rule 51, 1978, p. 51-5.
NV	Standards for Administration of Special Education Programs 1979, p. 21.
NH	N.H. REV. STAT. ANN., sec. 186-A:2.
NJ	Administrative Code Title 6, Education 1978, p. 5.
NM	A Plan for the Delivery of Special Education Services in New Mexico--Regulations 1976, p. 18.
NY	Regulations of the Commissioner of Education Part 200 1979, p. 5.
NC	Rules Governing Programs and Services for Children with Special Needs 1979 and 1980 Revision, § 1501.
ND	Definition not found in documents researched.
OH	Standards for Special Education 1977, p. 30.
OK	Policies and Procedures Manual for Special Education in Oklahoma 1980, p. 7.
OR	Administrative Rules for Oregon Education, OAR 581-15-005.

STATE	REFERENCE
PA	Ch. 13--Special Education Regulations 1977, sec. 341.1.
RI	Regulations of the Board of Regents Governing the Special Education of Handicapped Children 1978, p. 1.
SC	S.C. CODE, § 59-21-510.
SD	S.D. ANNUAL PROGRAM PLAN, FY 1980, p. 15.
TN	Rules, Regulations and Minimum Standards 1978-79, p. 80.
TX	Policies and Administrative Procedures for the Education of Handicapped Students 1979, p. 4.
UT	Rules and Regulations for Programs for the Handicapped 1978, p. 34.
VT	Identification and Evaluation of Handicapped Students for Special Educational Services 1978, p. 144.
VA	Regulations and Administrative Requirements for the Operation of Special Education Programs in Virginia 1979, p. 8.
WA	Guidelines for Chapter 3920171 WAC 1977, Rules and Regulations - Chapter 392 - 171 WAC 1978, 392-171-330.
WV	Standards for the Education of Exceptional Children 1979, p. 32.
WI	Definition not found in documents researched.
WY	WYOMING ANNUAL PROGRAM PLAN, FY 1980, p. 61.
DC	Rules and Regulations 1976, p. 5